

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Department of Health

DIVISION Division of Health Related Boards/Arkansas Dietetics Licensing Board

DIVISION DIRECTOR Matt Gilmore, ADH Boards and Commissions

CONTACT PERSON Kim Jablonski Board Chair; Justine Flowers, Secretary for the Board

ADDRESS P.O. Box 1016, North Little Rock, AR 72115

PHONE NO. 501-580-9294 **FAX NO.** _____ **E-MAIL** ardiet@arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Kim Jablonski, Board Chair

PRESENTER E-MAIL JablonskiKimberlyM@uams.edu or ardiet@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after “Short Title of this Rule” below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? Arkansas Dietetics Licensing Board Rules
 - 1. Promulgation
 - 2. Purpose
 - 3. Information for Public Guidance.
 - 4. General Organization
 - 5. Definition
 - 6. Prohibitions
 - 7. Qualifications for Issuance of Licenses
 - 8. Provisional Licenses
 - 9. Reciprocity
 - 10. Renewal of Licenses
 - 11. Fees
 - 12. Standards of Professional Responsibility
 - 13. License Issuance and Renewal Denial
 - 14. Disciplinary Procedures
 - 15. Administrative Hearings
 - 16. Declaratory Order
 - 17. The Practice of Telemedicine _____

Arkansas Dietetics Licensing Board

2. What is the subject of the proposed rule?

1. Promulgation – rule promulgation authority of the Board

2. Purpose – Board purpose

3. Information for Public Guidance – FOIA information

4. General Organization – general organization of the Board including Board make up and meeting schedule

5. Definition- definitions used by the Board throughout the rules

6. Prohibitions – prohibition against practicing dietetics without a license

7. Qualifications for Issuance of Licenses – qualifications required for licensure including automatic licensure for military service members and spouses and disqualifying criminal offense waiver

8. Provisional Licenses - information regarding temporary licensure

9. Reciprocity – requirements for reciprocal licensure

10. Renewal of Licenses – information regarding the renewal process and continuing education requirements

11. Fees – Board fees for licensure

12. Standards of Professional Responsibility – Board’s adoption of the national code of ethics

13. License Issuance and Renewal Denial – information regarding grounds for denial or revocation of license

14. Disciplinary Procedures – information regarding the process for disciplinary procedures

15. Administrative Hearings – information regarding the administrative hearing process for disciplinary procedures or appeals of Board decisions

16. Declaratory Order – information regarding how to obtain a declaratory order to explain the applicability of any rule, statute or order enforced by the Board

17. The Practice of Telemedicine – information regarding the practice of telemedicine as it relates to Dietitians in compliance with the Telemedicine Act

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No X

If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes _____ No X

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes X No _____ If yes, please provide a brief summary explaining the rule. The proposed rules provide guidance on licensure, renewals, continuing education requirements, standards of professional responsibility, as well as disciplinary procedures.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes _____ No X If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The**

summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.
Arkansas Dietetics Practice Act - A.C.A. §17-83-203
7. What is the purpose of this proposed rule? Why is it necessary?
The proposed rules are necessary as new rules because during rule review under Act 781 of 2017 the current Board members were made aware that the Board rules have not previously been through the promulgation process. All rules with the exceptions of rules promulgated in connection with Acts 820 and 990 of 2019, Declaratory Order in connection with A.C.A. §25-15-206, and the Telemedicine rule in connection with A.C.A. §17-80-401 *et seq.*, have all been in use by the Board for years. Revisions were made to Renewal of Licenses to be consistent with statutory language. Changes for clarification and format reasons have been made which differ from the version of rules that were presented under Act 781 of 2017 review.
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
ARDieteticslicbrd.net
9. Will a public hearing be held on this proposed rule? Yes _____ No **X**
If yes, please complete the following:
Date: _____
Time: _____
Place: _____
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
May 13 2020

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
August 1, 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Health

DIVISION Division of Health Related Boards/ Arkansas Dietetics Licensing Board

PERSON COMPLETING THIS STATEMENT Kim Jablonski, Board Chair

TELEPHONE NO. 501-580-9294 **FAX NO.** _____ **EMAIL:**

JablonskiKimberlyM@uams.edu or ardiet@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

1. **SHORT TITLE OF THIS RULE** Arkansas Dietetics Licensing Board Rules

1. Promulgation

2. Purpose

3. Information for Public Guidance.

4. General Organization

5. Definition

6. Prohibitions

7. Qualifications for Issuance of Licenses

8. Provisional Licenses

9. Reciprocity

10. Renewal of Licenses

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13. License Issuance and Renewal Denial

14. Disciplinary Procedures

15. Administrative Hearings

16. Declaratory Order

17. The Practice of Telemedicine

1. Does this proposed, amended, or repealed rule have a financial impact?

Yes _____ No X _____

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?

Yes X _____ No _____

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes X _____ No _____

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

(b) The reason for adoption of the more costly rule;

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

Arkansas Dietetics Licensing Board

(d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$0 _____

Next Fiscal Year

\$0 _____

Although the proposed rules are considered new, there is no change in cost to any private individual, entity or business because the fee amounts remain the same as the Board has been using for several years. The proposed rules are considered new because it was discovered that the rules the Board have been using never went through the rule promulgation process.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ 0 _____

\$0 _____

Although the proposed rules are considered new, there is no change in cost to state, county or municipal government because the fee amounts remain the same as the Board has been using for several years. The proposed rules are considered new because it was discovered that the rules the Board have been using never went through the rule promulgation process.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No X

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.